NUMB. 80.

THE South-Carolina Gazette.

Containing the freſheſt Advices Foreign and Domeſtick.

From Saturday, AUGUST 2. to Saturday, AUGUST 9. 1735.

Juſtum & tenacem propoſti virum;
Non civium ardor prava jubentium,

Mente quatit ſolida —— Hor.

Mr TIMOTHY.

BY your Advertiſement in the Gazette of the 26th of *July*, you rais'd the Expectations of ſome of your Readers, who might have juſtly hoped, from ſo formal a Notice, that they ſhould have received a much fuller Account of the Diſpute concerning the Payment of His Majeſty's Quit Rents in *North-Carolina*. However they have been diſappointed, it wou'd be unjuſt to lay any blame on you, becauſe you can print no more than you receive But your Correſpondent who furniſh'd you with the two Papers publiſhed laſt Week ought to be put in mind, That to ſuppreſs the Truth or to advance Falſhood, is equally criminal.

Whether the publiſhing, only, the latter part of this Debate by your Correſpondent, was owing to accident or deſign, the Publick are little concerned to know, but to the candid part of your Readers, perhaps, the Papers I now ſend you for Publication may be ſome Satisfaction.

Yours

Philalethes.

North-Carolina, ſſ.

To His Excellency GABRIEL JOHNSTON *Eſq; Governor in Chief in and over the ſaid Province.*

The Humble ADDRESS *of the Lower Houſe of Aſſembly.*

WE the Repreſentatives of this Province, beg Leave to lay before your Excellency the State of this Province, in relation to Our Quit-Rents, and the manner of paying the ſame, from the firſt Settlement thereof to this time. When the Rights of this Province became veſted in the Lords Proprietors, by the 2d Charter granted by King *Charles* the *Second*, the Proprietors, or their Deputies for them, then might grant Land to any perſons, at ſuch Rent as they could agree on, and alſo by the ſaid Charter, the Proprietors, or their Deputies, with the Aſſent of the Free Men of this Province, or their Repreſentatives were to make Laws binding, as well on the ſaid Lords Proprietors as on the People. The Proprietors then directed their Governour and Council here, to grant Lands to any Perſon in *Albemarle* County, on the ſame Terms that Land was then held at in *Virginia*, as plainly appears by their *Grand-Deed* which was then at 2 *ſhillings per* Hundred Acres in Tobacco at 1 *penny per Pound*, as appears by the Law of that Colony: But when that was found impracticable by reaſon of the Land here in general would not produce Tobacco, ſo well as the Land in *Virginia*, the Quit-rents then became payable in other Commodities, at certain rates; at which rates thoſe Commodities were conſtantly received at every Man's Houſe, and the Payments never refuſed by the Proprietors, as is alledged, in the Year One Thouſand Seven Hundred and Twelve, The Proprietors ſent directions to their Receiver General, how he ſhould diſpoſe of thoſe Commodities for their Intereſt: By this it appears that not only the Lords Proprietors Deputies with the Repreſentatives of the People have ſettled the Quit-Rents payable in our Commodities, at certain prices, which ſeems according to the Charter, to be concluſive: But alſo there is the Proprietors Aſſent thereto, directing as aforeſaid, how the Receiver-General ſhould diſpoſe of thoſe Commodities, which in our humble Opinion makes the Payments in Commodities indiſputable; beſides if all our Laws were void, only the *Grand-Deed* to be a guide for the payment of our Quit-Rents, We were by that Deed, as was ſaid before, to hold our Land in *Albemarle* County, on the ſame Terms and Conditions, that Land was then held in *Virginia*, which was at 2 *s* every Hundred Acres payable at the Tenant's Houſe, either in Tobacco at 1 *d. per Pound*, or Caſh at the Election of the Tenant, ſo that as the Rents in *Virginia* were payable in Tobacco at that time, and conſequently by the *Grand-Deed* here.

We are very much concerned to ſee your Excellency's Proclamation, commanding us to pay in Sterling Money, or in Bills at the difference, that your Excellency and the Council ſhall be pleas'd to aſſeſs, which we humbly conceive is contrary to our Laws, Cuſtoms, and even to the Conditions of the *Grand-Deed*, and muſt inevitably terminate in the Ruin of many of the Inhabitants of this Province, both with reſpect to the Manner of Collecting of the Rents and the Diſtreſſes that may enſue thereupon.

Wherefore we humbly pray your Excellency would be pleaſed to iſſue out a Proclamation, directing the Officers who are appointed to collect the Quit-Rents, to proceed in the ſaid Collections, according to the Laws and Cuſtoms of this Province, And that no Diſtreſs may be made upon his Majeſty's poor Tenants, contrary to the ſame, until a Law ſhall be paſs'd directing ſome other Method for collecting the ſaid Rents more agreeable to his Majeſty's Inſtructions, & as much as may be for the eaſe of his Majeſty's Tenants, which we were in hopes would have been done by the Bill we offer'd this Seſſion, and that your Excellency would be pleaſed to give a further time for the payment of Arrears, which does not become due by any default of the Tenants refuſing to pay thoſe Rents, but in the Officers neglecting to collect and receive the ſame.

The Governor's SPEECH.

Gentlemen,

I find by your Management while the Quit-Rent Bill was depending in your Houſe, by this Addreſs, and your whole behaviour, that you have entertain'd very odd and unaccountable Notions of his Majeſty's Rights and your own Priviledges. As I have made it my buſineſs to ſtudy the Conſtitution of this Country, ever ſince I had the Honour to ſerve the King in this Station, by peruſing all the Records be-

belonging to the Province, both here and in *London*, I think it my duty, now this Assembly is to separate, to rectify some of your mistakes, and what I have now to say, ought to have the more weight with you, as it is spoken in a fair open manner, as it is to stand upon record, and to be perus'd by our Superiors at home, so that if I advance any thing but what is strictly true, I can't fail of being detected.

I shall begin with giving you a true and just Account of what you are pleased to call the *Grand-Deed* It is certainly true, that the late Lords Proprietors did in the year 1668, by an authentick Deed under their hands and Seal, grant their Lands to the then Inhabitants of *Albemarle* County for Quit-Rents to be paid in the same manner as in *Virginia*. If you have a mind to call this Instrument the *Grand-Deed*, with all my heart; I have no objection to it, I won't quarrel with you about Names, I shall only observe to you, that this Deed neither in it's own nature, nor by any Clause in it, can ever be reckon'd Irrevocable: And I do assure you, that it was actually revok'd in the Year 1670, by another Deed, equally authentick, and containing full as strong Clauses, as that granted two Years before; and the Originals of both these Instruments are now in the (late Lords Proprietors) Books at the Board of Trade. By this latter Deed, all such as for the future took up Lands in *Albemarle* County were to pay as reserv'd Rent in the Coin of England to their Lordships one half penny *per* Acre, which amounts to 4 s. 2 d. *Sterling per* One Hundred Acres.

Now, *Gentlemen*, if you are for determining this Affair by Deeds passed under the Lords Proprietors, let us go to work fairly, I am very willing that all the Inhabitants of this County, which hold their Lands under any Grants, made before the Year 1670, shall pay their Rents in the same Manner as they did in *Virginia* in the Year 1668, whatever way that may be; But then it is but equal and just, that all who hold Lands in this County under Grants since the Year 1670 should pay four Shillings and 2 pence *per* 100 Acres, and I am of Opinion his Majesty will be no great looser by this: But if you fancy that where there are several Instruments or Deeds, you are at Liberty to pick out one of them, which makes most for Your own advantage, and by Christening it by the name of the *Grand Deed* or *Charter*, you can destroy the force of all the other Deeds which makes for the advantage of your Landlord, you will find yourselves miserably out in your reckoning. The King's Ministers at home won't be used so like Children. So that upon the whole without having recourse to any Deeds whatsoever, it will be the safest rule for the Inhabitants of *Albemarle* County to pay 2 *s. Sterling per* 100 Acres for all Land held before his Majesty's purchase: Now, *Gentlemen*, as to your Laws, it is the great happiness of all his Majesty's Subjects in every part of his Dominions, and I hope it will always be so, that they are govern'd by Law, and not by the arbitrary Will and pleasure of any person whatsoever, and as in all free Countrys Law is the Rule and Standart both for those who govern, and those who are govern'd, great Care is taken that there should be some known settled and establish'd Methods and Forms of enacting, passing and promulgating all Laws. These methods are different in different Countrys, in this Country the method is well known, and very distinctly laid down, when a Bill had passed both Houses it was sent home, and if in two Years it was ratified by the Lords Proprietors, and this Ratification notifyed publickly at the next Biennial Assembly, then and never till then, it passed into a Law, if in two Years it was not ratified, it became null and void of Course. This is so notoriously the Case that it is repeated above ten several Times in your Journals in the most strong and expressive manner that words can make it. Now *Gentlemen*, if you can shew me any Law which regulates & directs the payment of Quit rents, and has gone thro' all these necessary forms, I will submit to it with all my heart, and no body shall more scrupulously adhere to it, but until you do this, you must give me leave to think that there is no other Law in this Province with regard to the method of paying the King's Quit-Rents, of any force, except what is common to all his Majesty's Tenants in every part of his Dominions, that is the Crown Law which is executed by his Court of Exchequer, a Law which tho' it does speedy Justice against those who refuse to pay the King his Dues, can never hurt any Tenant that pays his Rent punctually. As for those Acts of Assembly which direct the payment in Commodities and rate them at a certain price, as they were never ratified, as they never had your Landlords (who were one of the contracting parties) Consent, if I should pay any regard to them (as I believe I never shall) I am sure they would be rejected at home with indignation, far less shall I pay any regard to such straggling Instructions of their Lordships Receivers, in former times, which may be pickt up to serve a Turn now, for these only shew how much the Lords Proprietors were straitned to come at their own, that they were forced to try every method to see if they could get any returns from their Lands, and when they found that by the treacherous combination of their Officers with their Tenants, they could make no profit of their Estates, they were forced to sell the Soil of the Province to the Crown.

Now, *Gentlemen*, if you think such shallow Evasions as these, such Acts of Assembly as were never ratified and consequently can by no propriety of Speech, be called Laws, or one accidental Instruction to a Receiver, are a solid Foundation for you to contend with the Crown of *Great Britain* I am sorry for it. If you will venture the Ease, the Peace and Security of yourselves, your Families and Estates, upon so slender a bottom, it is no fault of mine, let them answer for it that lead you into such an Error, it can't at all injure his Majesty's rights, but it may be of fatal Consequence to you & your Families in the End. If any body reckons that this is very hard to the poor, that it is a harsh and severe manner of proceeding, (and so I have been told it has in private Conversation been represented) there is a very easy remedy for all this, let them pay the King the Arrears of his Quit-Rents, and move with their Families off his Lands, and then let them go into any part of the World and take up Lands at a cheaper Rate, and where ever they settle, no doubt all good People will heartily pity the Oppression they have met with from so severe a Landlord, and that they could not hold so poor a quantity of Land as 100 Acres without being forced to pay so immense a Sum as 2 or 3 *s.* yearly Rent for it. These things *Gentlemen* won't bear being talk'd of, it is a Farce that has been too long acted under the late Lords Proprietors, and if you have not yet been told that it will not be tolerated now the King is Lord of the Soil, it is high time for me to assure you of it; and that if the Arrears of his Majesty's Rents are not pay'd at the times and in the Manner mentioned, in the Proclamation, Distresses shall be made for them: But if any dislike the Terms, or can find Land at a lower rate any where else, he has nothing to do but to relinquish his Majesty's Lands in this Province, for such other persons as will comply with his Terms, and I am under no manner of apprehension but his Majesty will find Tenants for all the Lands he has to dispose of.

This, *Gentlemen*, is using you in no other manner than you yourselves or any other Landlord may use his Tenants without doing them any Injustice or even hardship, and if either you yourselves have imbib'd, or some designing persons have instilled any notions into you, which make you believe that the King has not as much power & as just a right to dispose of his own Property, and to grant his own Lands, as you have in your private Estates, which you hold under him, it is high time to undeceive you. For my own part as I am bound by my Oath, my Honour, and all the Ties that are sacred among Men, I will see Justice done to the King in his Revenues, let the Consequences be what they will: And as you have taken the liberty to mention my Instructions, I am not sensible that I have in the least departed from them, except in taking Bills of Currency at a proper discount for Quit-Rents instead of Gold and Silver, without his Majesty's leave: A step I took out of Tenderness to you, and which I am like to have small thanks for here, and I am afraid I shall have still less at home. But the most extraordinary insinuation in your Address is, that by the Charter of King *Charles* the 2d, the Deputies of the Lords Proprietors with the Assent of the Assembly could make Laws binding on the Lords Proprietors as well as the People, I have perus'd the Charter you refer too often, and the only Clause relating to the Manner of making Laws is what follows, 'And also to ordain, make and enact, 'and under their (that is the Lords Proprietors) Seals to 'publish any Laws and Constitutions whatsoever according 'to their best discretion by and with the Advice, Assent & 'Approbation of the Freemen of the said Province, or the 'greatest part of them or of their Deputies or Delegates,

whom

whom for enacting of the said Laws when and as often as need shall require, we will that you (that is the Lords Proprietors) shall from time to time assemble.' It is plain from this, that by the *Charter*, the first Essential requisite to the making of a Law, was that it should be publish'd under the Lords Proprietors Seals. If you think to evade this, by saying, that by their Deputies they did publish it under their Seals, I must once more remind you, that they always did reserve this power to themselves of Ratifying such Bills as pass'd in both Houses here, before they pass'd into Laws, and that this Ratification should be publickly declared at the next Biennial Assembly. So that in the Matter of passing Laws, it was not an absolute but a limitted power, which their Deputies were invested with, and the Limitation expressed in the most strong, direct and explicit Terms that possibly could be.

After all, *Gentlemen*, it is a shame there should be any Necessity for saying so much on so plain a Point: For plain it is, notwithstanding all the Pains taken to perplex it, by a few Men who have no hopes of screening themselves; or having their Crimes pass undetected, but by keeping the Country in the same embroiled and unsettled Condition which first gave them an opportunity of committing their Frauds, by Men who have more squeez'd & oppress'd their fellow Subjects and got more Money for themselves & Relations by the Sale of Lands since the Year 1728, than the Lords Proprietors got during the whole Sixty Years they were in possession, and yet they have the Insolence to foment and raise an unjust Clamour against the King for demanding what he has honestly and fairly purchas'd and payd for, and what he designs should be held by his Subjects at moderate and easie Quit-Rents, and not at such exorbitant and unconscionable prices, as they contrary to all Law and Justice, extorted from the poor industrious People.

Gentlemen of the Council,

I return you my hearty thanks for the great regard you have shown in all your proceedings to his Majesty's Service and the publick Good.

As for you, *Gentlemen* of the House of Burgesses, if you have left any thing undone for the service and benefit of the People you represent, for the Trade, Quiet and Prosperity of the County, you cannot justly blame me for it, you cannot pretend that in any of your Consultations, or proceedings, you mett with the least Interruption from me, I hate all measures which must appear harsh and Severe, and could therefore have wished you had made the Collection of the Kings Rents easie to you and your fellow Subjects: But as you have not, I have declared my intention and will do my Duty.

I do Prorogue this Assembly unto the 1st Day of *July* next, and this Assembly is accordingly Prorogued.

CHARLESTOWN, *August* 9.

On Monday night last Capt. *Robert Robinson*, Master of the Billander, called the *Oliver*, got up, and was seen by one of the Passengers, going forward to the head of the Vessel, and no further notice taken of him, but in the morning was miss'd, supposed to be fallen over board A Sloop coming up the River last Friday saw the Sharks tossing up a Man in the Water, and tearing him to Pieces, having on a Scorch Plad Banyan, confirms this supposition, he having been that night in such a dress.

CUSTOM-HOUSE, Charlestown,

Entred inwards.

Brigt. Betty's Hope, William Moore from Antigua.
Sloop Eagle, Wm. Lee from Guatimala.
Sloop Sweet Nelly, Mathew Turpin from Barbadoes.

Entred out.

Brigt. Diana, John Malcolm for Bristol.
Sloop True Friends, Sam. Warnar for Providence.

Clear'd for Departure.

Ship New Friendship, John Tellamy to Barbados.

EXPORTED from this PLACE since *Nov.* 1, 1734.
Rice 44097 Barrels, & 1038 Bags. Pitch 21417 Tar 5123. Turpentine 5555. Whereof 15791 Barrels of Rice and 1006 Bags for FOREIGN MARKETS.

PRICES of the following GOODS.

Rice	None	Middl. ——	5 l. 10 s.
Pitch per Barrel	40 s.	White ——	7 l. 10 s.
Tar per Bar.	30 s.	Milk Bisket ——	10 l.
Turpentine per C.	15 s.	Ship Bread ——	4 l.
Indian Corn per B.	15 s.	Salt per Bushel	7 s. 6 d.
Skins per Pound	19 s.	Wine per Pipe	75 l.
Flower per Hund	4 l.	Melasses per Hogsh.	7 s. 6 d.
Brown Bread	3 l.	Barbadoes Rum	11 s. 3 d.

Advertisements.

Council Chamber, Aug. 8, 1735.

HIS Majesty's Hon^ble Council having agreed to meet in the Council-Chamber on *Tuesday* the 2d of *Sept.* next, in order to hear & determine Caveats, all Persons concern'd are required to attend on that day: And such as have entered Caveats and shall not then appear to Support the same, their said Caveats shall be dismiss'd.

By Order of the Hon^ble the Lieut. Governour and his Majesty's Hon^ble Council.

JESSE BADENHOP, *C. C.*

WHereas the several Advertisements published in the Gazette of this Province, requiring all persons who had Grants in the Secretary's Office to take them out in a time limited by the said Advertisements, have as yet been taken no notice of: I am therefore ordered by the Governor and Council, to give this publick Notice, that I have peremptory Orders to sue every Person who has a Grant in the Secretary's Office, unless they are taken out within 30 days from the date hereof, without any further Notice.

August 8, 1735. J. ABERCROMBY.

To be Sold

A Very good Negro, a Bricklayer & Plaisterer by Trade, his Master leaving off business Inquire of *John Phyps* over against the Quakers Meeting, or the Printer

All Persons indebted to *Paul de St. Julien*, before Christmas last; are desired to pay the same by the 20th of *August* next, or come and settle Accounts with him otherwise they may expect to be Sued for the same. *July* 19. 1735.

Whereas *Thomas Barker*, Executor to the Estate of Capt. *Francis Palmer*, deceased, desires all Persons indebted to the said Estate, to pay their respective Debts forthwith; likewise Dr *Thomas Barker* and *Comp* begs the like Favour, or they will be sued without further Notice, by ROWLAND VAUGHAN.

This is to give notice, that *Law^t. Wibers* Perukemaker in Broad-street is fully determined to go to *England* by the first of *April* next ensuing. And whereas the said *Law^t. Wibers* has a large Quantity of fine English gray hairs by him, which he is willing to work up as far as possible he can before he goes, in order thereunto, will furnish Gentlemen with good Wigs, made after the newest fashions, at a much cheaper price, than otherwise he could afford 'em at. He likewise desires all Persons indebted to him, to discharge the same by the first Day of *October* next, or they will be sued for the same without further notice.

For *PHILADELPHIA* directly,

THe *Billander* Oliver, *Capt* Samuel Merchant *will sail next Wednesday. For Freight or Passage agree with the said Captain, on board the said Vessel, or with Capt.* Hugh Peircy.

Just imported and to be sold by *Giles Holliday* on the Bay in *Charlestown*, very good Muscovado Sugar, Molasses, Soap and several sorts of European Goods.